

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THOMAS LAMONT MURPHY,)
Petitioner,)
v.)
LORIE DAVIS, *Director TDCJ-CID*,)
Defendant.) Civil Action No. 3:18-CV-2897-C-BN

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Petitioner's application for writ of habeas corpus should be denied to the extent that Petitioner attacks the decision by the TBPP to deny him parole. The Magistrate Judge has further advised that the Court should dismiss without prejudice for lack of jurisdiction Petitioner's claims attacking his underlying conviction due to the fact that Petitioner has not obtained permission to file a successive habeas petition. Last, the Magistrate Judge has recommended that Petitioner's Motion for his Actual Innocent and Brady Violation to be Added with his Due Process Violation be denied. Petitioner timely filed objections to the Magistrate Judge's Recommendations on November 9, 2019.¹

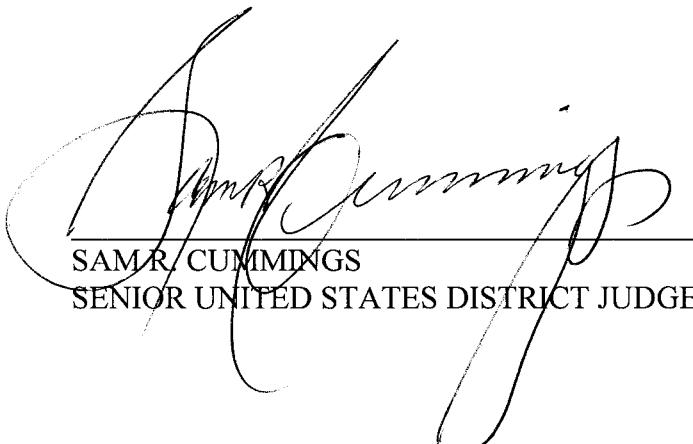
The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the

¹ Although, the Court would note that the Clerk's office did not receive Petitioner's Objection until November 18, 2019.

subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After due consideration and having conducted a *de novo* review, the Court finds that Petitioner's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, Petitioner's application for writ of habeas corpus is **DENIED** to the extent that Petitioner seeks to attack the decision by the TBPP to deny him parole. Petitioner's claims attacking his underlying conviction are hereby **DISMISSED** without prejudice for lack of jurisdiction due to the fact that Petitioner has not obtained permission to file a successive habeas petition. Last, Petitioner's Motion for his Actual Innocent and Brady Violation to be Added with his Due Process Violation is **DENIED**.

SO ORDERED this 21st day of November, 2019.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE